

Chapter NR 620

TRANSPORTER STANDARDS AND LICENSING
REQUIREMENTS

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NR 620.01 Purpose. The purpose of this chapter is to specify the requirements that apply to transportation of hazardous waste and the requirements for licensing of transporters of hazardous waste.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 620.02 Applicability. Except as otherwise provided, this chapter applies to transporters of hazardous waste. This chapter does not apply to solid waste transporters that transport only:

- (a) Non-hazardous solid waste,
- (b) Metallic mining wastes resulting from a mining operation as defined in s. 144.81 (5), Stats.,
- (c) Polychlorinated biphenyls (PCBs), except where portions of this chapter are referenced in ch. NR 157, or
- (d) A combination of wastes described in pars. (a) to (c).

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 620.03 Definitions. (1) The definitions in s. NR 600.03 apply to this chapter.

(2) In this chapter, "equipment operator" means any owner or operator of either a hazardous waste transportation service or the vehicles or equipment used for transporting hazardous waste, or any individual employed to operate hazardous waste transportation equipment or vehicles.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 620.04 Exemptions. The following are exempt from the requirements of this chapter:

(1) On-site transportation of hazardous waste by generators or by owners or operators of hazardous waste facilities with final operating licenses.

(2) A person who transports waste lead-acid batteries destined for recycling and who complies with s. NR 610.09.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

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NR 620.05 General requirements. (1) Except as otherwise provided in s. NR 620.04, no person may transport hazardous waste in Wisconsin unless the person has obtained a transportation service license from the department, in accordance with the requirements of s. NR 620.15.

(2) A transporter of hazardous waste shall comply with ch. NR 615 if the transporter:

(a) Mixes wastes of different shipping descriptions by placing them in a single container; or

(b) Transports hazardous waste into Wisconsin from abroad.

(3) Transportation services collecting only hazardous wastes that do not require a manifest as specified in s. NR 610.07 (1) shall comply with all the requirements of this chapter except the manifest requirements specified in s. NR 620.07 unless the very small quantity generator chooses to use the manifest.

Note: Hazardous waste facilities may require the use of a manifest for recordkeeping purposes before accepting the hazardous waste.

(4) Except as otherwise provided in s. NR 620.04, no person may transport hazardous waste in Wisconsin unless the person has met the notification requirements specified in s. NR 600.05.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 620.06 Identification number. (1) A transporter may not transport hazardous wastes in Wisconsin without an identification number.

(2) A transporter who has not received an identification number may obtain one by applying to EPA using the notification form specified in s. NR 600.05.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 620.07 Manifest system. Except as provided in sub. (1), a transporter may not accept hazardous waste from a generator unless the hazardous waste is accompanied by a manifest signed in accordance with s. NR 615.08.

(1) Transporters collecting hazardous wastes subject to the special requirements of s. NR 610.07 (1) for small quantity generators are exempt from the provisions of this section and s. NR 620.08 for those wastes unless the very small quantity generator chooses to use the manifest.

(2) (a) In the case of exports, a transporter may not accept hazardous waste from a primary exporter if the transporter knows that the shipment does not conform to the EPA acknowledgement of consent.

(b) In the case of exports, a transporter may accept hazardous waste from a primary exporter if, in addition to a manifest signed in accordance with s. NR 615.08, the hazardous waste is also accompanied by an EPA acknowledgement of consent, which, except for shipment by rail, is attached to the manifest or, for export bulk shipments by water, is attached to the shipping paper.

(3) Hazardous waste which was generated out of state and is being transported through Wisconsin for delivery to an out-of-state hazardous waste facility shall be accompanied by a manifest that meets the requirements of subs. (3) to (5) and (7) to (9), 620.08 and 620.09.

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(4) (a) The transporter shall be responsible for ensuring that a copy of a manifest meeting the requirements of ss. NR 620.07 (3) to (5) and (7) to (9), 620.08 and 620.09, signed by the generator, accompanies the shipment of hazardous waste at all times, except as provided in sub. (1).

Note: The publication containing these regulations may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

The publications containing these regulations are available for inspection at the offices of the department, the secretary of state and the revisor of statutes.

(b) In the case of exports, the transporter shall ensure that a copy of the EPA acknowledgement of consent accompanies the hazardous waste along with a copy of the manifest.

(5) Before transporting the hazardous waste, the transporter shall sign and date the manifest acknowledging acceptance of the hazardous waste from the generator. The transporter shall return the original and one signed copy of the manifest to the generator before leaving the generator's premises.

Note: An employe of a transporter need not be an authorized representative to sign a manifest on behalf of the transporter.

(6) If the hazardous waste shipment is transferred to another transporter, the original transporter shall be responsible for retaining a copy of the manifest in accordance with s. NR 620.09. The original transporter shall give the 3 remaining copies of the manifest, plus an extra copy needed to replace the copy retained in accordance with s. NR 620.09, to the new transporter. The new transporter shall sign and date the manifest acknowledging acceptance of the hazardous waste. The second transporter shall complete boxes 7., 8. and F. of the manifest with the second transporter's name, 12 digit identification number and transporter's telephone number, respectively.

(7) The transporter shall, upon delivery of the hazardous waste to the designated facility, obtain the signature and date of acceptance from the owner or operator of the designated facility on the manifest. The transporter shall retain one copy of the manifest in accordance with s. NR 620.09, and shall give the remaining copies to the owner or operator of the designated facility.

(8) The requirements of subs. (3) to (6) and (8) do not apply to transporters of bulk shipments of hazardous waste by a water vessel if:

Note: bulk shipment by water vessel is defined in s. NR 600.03 (20)

(a) The hazardous waste is delivered by bulk shipment in a water vessel to the designated facility;

(b) A shipping paper containing all the information required on the manifest, excluding the identification numbers, generator certification and signatures, accompanies the hazardous waste and, for exports, an EPA acknowledgement of consent accompanies the hazardous waste;

(c) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either a manifest or a shipping paper;

(d) The person delivering the hazardous waste to the initial bulk shipment water vessel transporter obtains the date of delivery and signature of the bulk shipment by water vessel transporter on a manifest and forwards it to the designated facility; and

(e) A copy of the shipping paper or manifest is retained by each bulk shipment water vessel transporter in accordance with s. NR 620.09.

(9) For shipments involving rail transportation, the requirements of subs. (4) and (6) to (8) do not apply and the following requirements shall apply:

(a) When accepting hazardous waste from a non-rail transporter, the initial rail transporter shall:

1. Sign and date the manifest acknowledging acceptance of the hazardous waste;
2. Return a signed copy of the manifest to the non-rail transporter;
3. Forward all remaining copies of the manifest, except one, to:
 - a. The next non-rail transporter, if any;
 - b. The designated facility, if the shipment is delivered to that facility by rail; or
 - c. The last rail transporter designated to handle the waste in the United States; and
4. Retain one copy of the manifest and rail shipping paper in accordance with s. NR 620.09.

(b) Rail transporters shall ensure that a shipping paper containing all the information required on the manifest, excluding the identification numbers, generator certification and signatures, accompanies the hazardous waste at all times. In addition, for exports, an EPA acknowledgment of consent accompanies the hazardous waste at all times.

Note: Intermediate rail transporters are not required to sign either the manifest or shipping paper.

(c) When delivering hazardous waste to the designated facility, a rail transporter shall:

1. Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper if the manifest has not been received by the facility; and
2. Retain one copy of the manifest or signed shipping paper in accordance with s. NR 620.09.

(d) When delivering hazardous waste to a non-rail transporter, a rail transporter shall:

1. Obtain the date of delivery and handwritten signature of the next non-rail transporter on the manifest; and
2. Retain a copy of the manifest in accordance with s. NR 620.09.

(e) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter.

(10) Transporters who transport hazardous waste out of the United States shall:

(a) Indicate on the manifest the date the hazardous waste left the United States; and

(b) Sign the manifest and retain one copy in accordance with s. NR 620.09 (3); and

(c) Return a signed copy of the manifest to the generator.

(d) Give a copy of the manifest to a U.S. customs official at the point of departure from the United States.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 620.08 Compliance with manifest system. (1) The transporter shall deliver the entire quantity of the hazardous waste that was accepted from the generator or transporter to:

(a) The designated facility on the manifest; or

(b) The alternate facility specified on the manifest, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(c) The next designated transporter; or

(d) The place outside the United States designated by the generator.

(2) If the hazardous waste cannot be delivered in accordance with sub. (1), the transporter shall contact the generator for further directions and shall revise the manifest or obtain a second manifest, in accordance with s. NR 615.08 (4) and (5), and shall, if necessary, return the waste to the generator as undeliverable.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 620.09 Record keeping. (1) A transporter of hazardous waste shall keep a copy of the manifest, if required by s. NR 620.07, signed by the generator, that transporter, and the next designated transporter or the owner or operator of the designated facility, for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

(2) For shipments delivered to the designated facility by bulk shipment by water vessel, each bulk shipment by water vessel transporter shall retain a copy of a shipping paper containing all the information specified in s. NR 620.07 (8) (b) for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

(3) For shipments delivered to the designated facility by rail:

(a) The initial rail transporter shall keep a copy of the manifest and shipping paper with all the information specified in s. NR 620.07 (9) (b) for a period of 3 years from the date the hazardous waste was accepted by the initial transporter; and

(b) The final rail transporter shall keep a copy of the signed manifest, or the shipping paper if signed by the designated facility in lieu of the manifest, for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

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(4) A transporter who ships hazardous waste out of the United States shall keep a copy of the manifest indicating that the hazardous waste left the United States, for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

(5) The periods of retention referred to in this section may be extended beyond 3 years upon written notice from the department to the transporter, specifying the records or types of records that are to be retained.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 620.10 Hazardous waste discharges. (1) If a discharge of hazardous waste occurs during transportation, the transporter shall:

(a) Telephone the division of emergency government and comply with the requirements of s. 144.76, Stats., and ch. NR 158, and

Note: The division of emergency government's 24 hour number is (608) 266-3232, collect calls accepted.

(b) Give notice as required by 49 CFR 171.15, amended June 19, 1989 and effective January 1, 1990, to the national response center at (800) 424-8802.

(c) Report in writing as required by 49 CFR 171.16, amended June 19, 1989 and effective January 1, 1990, to the director, office of hazardous materials regulations, materials transportation bureau, U. S. DOT, Washington, D.C. 20590.

(2) A bulk shipment water transporter who has discharged hazardous waste shall give the same notice as required by 33 CFR 153.203, July 1, 1988, for oil and hazardous substances.

Note: The publications containing these regulations may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

The publications containing these regulations are available for inspection at the office of the department, the secretary of state and the revisor of statutes.

(3) The removal and subsequent containerization, transportation and disposal of spilled hazardous waste shall be in compliance with the provisions of chs. NR 600 to 685.

(4) If the department determines that immediate removal of the hazardous waste is necessary to protect human health or the environment, the department may authorize the removal of the hazardous waste by transporters who do not have hazardous waste transportation service licenses or identification numbers and without preparation of a manifest.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 620.11 Packaging, labeling, marking and placarding. (1) The requirements of this section apply to both intrastate and interstate transportation.

(2) A transporter may not move a transport vehicle containing hazardous waste unless the hazardous waste is packaged in accordance with the applicable requirements of 49 CFR Part 173, November 1, 1985.

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(3) A transporter may not transport hazardous waste unless the hazardous waste packages are labeled and marked in accordance with the applicable requirements of 49 CFR Part 172, November 1, 1985.

(4) A transporter may not move a transport vehicle containing hazardous waste unless it is placarded in accordance with the applicable requirements of 49 CFR Part 172, November 1, 1985.

Note: The publications containing these regulations may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

The publications containing these regulations are available for inspection at the office of the department, the secretary of state and the revisor of statutes.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 620.12 Operational requirements. (1) Containerized hazardous waste shall be loaded onto the transport vehicle in such a manner that the containers are reasonably secured against movement within the transport vehicle.

(2) Tank transport vehicles may not be left unattended during the loading or unloading of hazardous waste.

(3) No tools or equipment likely to damage the effectiveness of the closure of any container shall be used for the loading or unloading of hazardous waste.

Note: U. S. DOT regulations concerning operational aspects of transportation of hazardous materials on public highways are given in 49 CFR Part 177, November 1, 1988.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 620.13 Equipment operator qualifications. (1) Equipment operators for transportation services shall be properly trained in the utilization of the equipment they are authorized to operate. Each transportation service shall have a training program for handling and transportation vehicle operators. Topics in the training program shall include the problems and potential hazards posed by the transportation and disposal of hazardous waste and equipment inspection techniques.

(2) Records of operator training and equipment inspections shall be kept for a period of 3 years by the transportation service. Upon written notice from the department to the transporter, the period of retention may be extended beyond 3 years.

(3) Transportation services shall have a viable program for inspecting equipment. The inspection program shall include a schedule for equipment inspection and a checklist of specific areas or items which are to be inspected. Each piece of hazardous waste handling and transportation equipment shall be inspected periodically by the owner or operator of the equipment. Records shall be maintained showing when the equipment was inspected, any problems observed during the inspection and any maintenance performed on the equipment.

(4) Equipment operators who are also engaged in activities regulated under ss. NR 113.04 to 113.06, 113.08, 113.10, 113.12 to 113.14, 204.05 to

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204.13 or 502.06 shall comply with the applicable requirements of those sections.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 620.14 Transfer facilities. A hazardous waste transporter, licensed in accordance with s. NR 620.15, who accumulates manifested shipments of hazardous waste in containers without a hazardous waste storage license, shall comply with the requirements of this section:

(1) The waste may not be recycled, treated, placed in a storage facility or disposed on-site.

(2) The accumulation shall be in connection with the transporting or movement of hazardous waste shipments.

(3) Within 10 days, all accumulated waste shall be shipped to a facility which meets the requirements of s. NR 615.05 (3) (a) 2., except it may not be shipped to another transfer facility in Wisconsin.

(4) The notification requirements of s. NR 600.05 shall be met for each transfer facility.

(5) The accumulation shall be in compliance with the following container storage requirements:

(a) The transporter shall comply with the packaging, labeling, marking and placarding requirements of s. NR 615.09.

(b) The transporter shall inspect all containers used for storing hazardous waste at least weekly for evidence of leakage, corrosion or deterioration of the containers or discharge confinement structures, such as dikes.

(c) The transporter shall record the inspection under par. (b) in an inspection log or summary. These records shall be placed in the operating record required under sub. (8) and kept for at least 3 years from the date of the inspection. At a minimum, these records shall include the date and the time of inspection, the name of the inspector, a notation of the observation made, and the date and name of any repairs or other remedial actions. The inspection program under this paragraph and par. (b) shall be included in the inspection program under s. NR 620.13 (3).

(d) If a container is not in good condition or if the contents of the storage container begin to leak, the hazardous waste in the container shall be recontainerized in a storage container in good condition.

(e) A container holding hazardous waste shall always be closed during storage.

(f) A container holding hazardous waste may not be opened, handled or stored in a manner which may rupture the container or cause it to leak.

(g) Containers holding ignitable or reactive waste shall be located at least 50 feet from the transfer facility's property line.

(h) Storage containers holding hazardous waste which is incompatible with any waste or other materials stored nearby in other containers, waste piles, open tanks or surface impoundments shall be separated from them by means of a dike, berm, wall or other device.

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(i) No wastes may be mixed, combined or recontainerized except as required by par. (d).

(j) The container shall be made or lined with materials which will not react with, and are otherwise compatible with the hazardous waste to be stored.

(6) The date upon which each period of accumulation begins shall be clearly marked and visible for inspection on each container.

(7) The transporter shall comply with the contingency plan and emergency procedures in ss. NR 630.21 and 630.22 and personnel training requirements in s. NR 630.16. The training program under this subsection shall be included in the training program under s. NR 620.13.

(8) The transporter shall comply with the recordkeeping, operating record and reporting requirements in ss. NR 630.31 and 630.40, except for the requirements in s. NR 630.31 (1) (f), (g), (h) and (i).

(9) The identity and location of all stored hazardous waste shall be known throughout the entire accumulation period.

(10) Signs shall be posted at each entrance to the transfer facility indicating that only authorized personnel are allowed, and that entry can be dangerous. The transporter shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock into the transfer facility.

(11) The waste accumulated under this section shall be kept separate from any waste accumulated under any other provision of chs. NR 600 to 685 and shall be clearly delineated and marked as a segregated storage area.

(12) The facility shall be designed, constructed, maintained and operated to minimize the possibility of a fire, explosion or any discharge of hazardous waste or hazardous waste constituents to the environment which could be harmful to human health or the environment. The transporter shall comply with the hazardous waste discharge requirements of s. NR 620.10 with respect to the accumulation of hazardous waste.

(13) As provided in s. NR 600.07, the department may require the owner or operator of a transfer facility to comply with all or part of the requirements of s. NR 600.04 and chs. NR 630 to 685, if the department determines that there is a potential for discharge of the hazardous waste or hazardous constituents or determines that a discharge has occurred at the transfer facility.

(14) A transporter who accumulates manifested shipments of hazardous waste in containers without a hazardous waste storage license and who does not meet the requirements of subs. (1) to (13) is an operator of a hazardous waste storage facility and is subject to the storage facility requirements in ch. NR 630 and the licensing requirements for storage facilities in ch. NR 680.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.

NR 620.15 Hazardous waste transportation service license. (1) (a) An application for a transportation service license shall be submitted on forms supplied by the department and shall be accompanied by the fee specified in s. NR 680.45.

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Note: These forms may be obtained at no charge from the Department of Natural Resources. Out of state facilities may contact the department at P.O. Box 8094, Madison, WI 53708-8094. In state facilities should contact the department district offices.

(b) Each location at which a person transporting hazardous waste bases transport vehicles, such as one generation site at which transport vehicles are based which transport hazardous wastes to or from other generation sites owned by the same person, or a centralized transport vehicle terminal, shall be licensed as a separate transportation service. An application form and fee for each separate transportation service shall be submitted to the district office of the department in the district where the transportation service is located. A person who transports hazardous waste into or through Wisconsin, but whose operation is based out-of-state, shall submit an application form and fee for a transportation service license in the district where the hazardous waste transportation activity is concentrated.

(c) The department shall notify the applicant that the application for a hazardous waste transportation service license has been approved or denied within 65 business days after the application is received by the department.

(2) (a) All license applications shall be signed as follows, by both the operator and the owner where a facility is operated by one person and owned by another:

1. For a corporation, by a responsible corporate officer. For the purpose of this subdivision a responsible corporate officer means:

a. A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

b. The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, in second-quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: The department does not require specific assignments or delegations of authority to responsible corporate officers identified in subpar. a. The department shall presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the department to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under subpar. b. rather than to specific individuals.

2. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

3. For a municipality, state, federal or other public agency, by either a principal executive officer or ranking elected official. For the purposes of this subdivision, a principal executive officer of a federal agency includes:

a. The chief executive officer of the agency; or

b. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(b) All reports required by the department, other than manifests, shall be signed by a person designated in par. (a), or by a duly authorized representative of the person if:

1. The authorization is made in writing by the person designated under par. (a);

2. The authorization specifies an individual or position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent or position of equivalent responsibility; and

3. The written authorization is submitted to the department.

(c) If an authorization under par. (b) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of par. (b) shall be submitted to the department prior to or together with any reports to be signed by an authorized representative.

(d) Any person signing a hazardous waste transportation service license application form under sub. (1) (a) shall make the following certification: "I hereby certify that the above information and attachments are accurate and complete."

(3) (a) The issuance of a license does not authorize any injury to persons or private property, any invasion of other private rights, or any infringement of federal, state or local law.

(b) Compliance with a license during its term constitutes compliance with ss. 144.60 to 144.74, Stats. However, a license may be revoked during its term or its renewal may be denied for any of the reasons in s. NR 620.15 (4) or 680.43 (1), (2) and (3). A license or a plan approval may be modified for cause, as in s. NR 680.07 (3).

(c) Whenever rights of ownership, possession or operation in a licensed hazardous waste transportation service are transferred, licensing shall be in accordance with s. 144.444, Stats. Written documentation of the acquisition of rights and a written agreement containing a specific date of transfer of responsibility shall be submitted to the department. If a transfer of license application form is not available from the department, the new owner or operator shall submit an application for an transportation service license, on a form available from the department. Transfer of responsibility requests shall be submitted as a request to modify a license or plan approval under s. NR 680.07 (5) (a). The previous owner shall be responsible for compliance with the requirements specified in ss. NR 600.05 and ch. NR 620 until the person acquiring the rights of ownership, possession or operation has demonstrated compliance with the requirements specified in ss. NR 600.05 and ch. NR 620. The person acquiring the rights of ownership, possession or operation shall demonstrate to the department compliance with the requirements in ss. NR 600.05 and ch. NR 620 within 6 months after the transfer of responsibility. The previous owner shall continue to be responsible for compliance with the requirements in ss. NR 600.05 and ch. NR 620 if the person acquiring the rights of ownership, possession or operation fails to demonstrate compliance with those requirements.

Note: These forms may be obtained at no charge from the Department of Natural Resources. Out of state facilities may contact the department at P.O. Box 8094, Madison, WI 53708-8094. In state facilities should contact the department district offices.

(4) A hazardous waste transportation service license may be revoked during its term, or its issuance or renewal may be denied for grievous and continuous failure of the equipment operator to comply with a require-

ment of chs. NR 600 to 685, ss. 144.60 to 144.74, Stats., any special order, plan approval or term or condition of a license or variance issued under those sections.

(5) All of the conditions applicable to a license shall be incorporated into the license either expressly or by reference. The following conditions shall apply to all licenses:

(a) The licensee shall comply with all conditions of the license, the provisions of ch. 144, Stats., the applicable requirements of chs. NR 600 to 685, any special order and modifications thereof issued by the department, except as otherwise authorized by the department under s. NR 600.09, 680.50 or 680.51.

(b) If a licensee wishes to continue an activity regulated by a license after the expiration date of the license, the licensee shall apply for a new license.

Note: Expiration of an existing license while the department is considering an application for renewal is covered in s. 227.51 (2), Stats.

(c) It is not a defense for a licensee in an enforcement action that it would have been necessary to halt or reduce the licensed activity in order to maintain compliance with the conditions of the license.

(d) All renewal applications, and all reports or other information submitted to the department by the licensee shall be signed and certified as specified in sub. (2).

(e) The licensee shall at all times maintain in good working order and operate efficiently all facilities, systems and related appurtenances which are installed or used by the licensee to achieve compliance with the terms and conditions of the license. Proper operation and maintenance includes, but is not limited to, effective performance based on equipment design, adequate funding, effective management and adequate operator staffing and training.

(f) The licensee shall, upon the request of any officer or employe of the department, allow departmental personnel, at reasonable times and with notice no later than upon arrival, to:

1. Enter the licensee's premises where a regulated facility or activity is located or conducted or where hazardous waste records are kept;

2. Have access to, and copy at reasonable times, records or labels that are being kept;

3. Inspect at reasonable times any facility's equipment, including monitoring equipment, or operations regulated under the license; and

4. Sample or monitor any substance or parameters at any location where a regulated facility or activity is located or conducted, in compliance with the requirements of s. 144.69, Stats.

(g) The licensee shall report to the department any noncompliance which may endanger human health or the environment. The information which is required to be included in a written report under this paragraph shall be provided orally to the appropriate district office of the department within 24 hours from the time the licensee becomes aware of the circumstances. A written report shall be submitted within 5 days of the time the licensee becomes aware of the circumstances. The department

may allow the licensee up to 15 days to submit a written report if an extension is requested by the licensee. The written report shall contain:

1. Name, address and telephone number of the owner or operator;
2. Name, address and telephone number of the facility;
3. A description of the noncompliance and the period of noncompliance, including exact date and time, and if the noncompliance has not been corrected, the anticipated time the noncompliance is expected to continue.
4. Name and quantity of material involved;
5. The extent of injuries, if any;
6. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable, including information concerning the release of any substance which may cause contamination of a drinking water supply;
7. Estimated quantity and disposition of recovered material that resulted from the incident;
8. The known or suspected causes of the noncompliance and a statement describing the measures taken to investigate the noncompliance to determine its cause; and
9. Steps taken, or planned, to reduce or eliminate and prevent recurrence of the noncompliance.

(h) The licensee shall notify the division of emergency government and comply with the requirements of s. NR 630.22 (2), s. 144.76, Stats., and ch. NR 158 if a discharge of hazardous waste or hazardous substance, or a fire or explosion occurs at the licensed facility.

(i) In the event of noncompliance with the license, the licensee shall take all necessary steps to minimize discharges to the environment, and shall take all necessary steps to minimize any adverse impacts on human health or the environment.

(j) Reports of compliance with, and any progress on, interim and final requirements contained in any compliance schedule under the license shall be submitted no later than 14 days following each schedule date.

(k) The licensee shall furnish information needed to determine whether cause exists to modify, revoke or to determine compliance with the license. The licensee shall also furnish to the department, upon request, copies of records required by the license.

(l) The license does not convey any property rights of any sort, or any exclusive privilege.

(m) The licensee shall submit required documentation and take any action necessary to ensure protection of human health and the environment. The department may require the documentation or action after inspecting the facility or reviewing any submittals, reports or plans.

(n) The license may be modified or revoked for the reasons outlined in s. NR 620.15 (4), 680.07 or 680.43. The submittal of a request by the licensee for license modification or termination, or a notification of

planned changes or anticipated noncompliance, does not stay the effectiveness of any license condition.

(o) Where the licensee becomes aware that there was a failure to submit relevant facts in any reports, plans or other information submittal, or that incorrect information was submitted, the licensee shall promptly submit the facts or information to the department.

(p) In addition to the conditions required for all licenses, the department may establish conditions, as required on a case-by-case basis, to ensure compliance with all applicable requirements of chs. NR 600 to 685.

History: Cr. Register, February, 1991, No. 422, eff. 3-1-91.